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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

The Czech Republic

1. The Committee considered the initial report of the Czech Republic (CEDAW/C/CZE/1) at its 370th and 371st meetings on 26 January 1998, and at its 373rd meeting on 27 January 1998.

2. In introducing the report, the representative of the Czech Republic indicated that more than two years had elapsed since her country's initial report had been submitted and, consequently, her statement would focus on important changes in protecting women's rights as individuals.

3. The representative referred to the ratification of a number of International Labour Organization (ILO) instruments, including ILO Conventions 89, 100 and 101. She also cited several legislative reform measures that had been taken, including amendments to the Employment Act (1/1991); Act on Wages

(1/1992); Act on Salaries (143/1992); and Act on Pension Insurance (155/1995). The representative then briefed the Committee on the differential entitlements in retirement pensions between women and men, and among women based upon the number of children.

4. Although no fundamental changes in health or social insurance had occurred since 1994, certain health insurance benefits had been transferred to the State social allowance system in 1995, with the goal of unifying State social allowances and benefits and thus providing support to families with children under a single system.

5. Recent changes had led to the development of civil society, including women's organizations, resulting in activities, conferences and workshops that addressed specific women's issues, such as domestic violence, violence against women in general, and women who are victims of criminal acts.

6. The representative then briefed the Committee on specific programmes for women related to education and vocational training and described some of the socio-economic factors that significantly influence women's position in society and in the labour market. She also noted the importance of kindergartens and their linkage with the rate of female employment.

7. The representative indicated that Decree No. 261/97 specified explicitly jobs and workplaces which are prohibited for all women, pregnant women, mothers until the end of the nine months after childbirth, and youth, respectively. She also referred to draft legislation that specified conditions for occupational health and safety.

8. The representative cited a number of women's health programmes and projects, including those related to HIV/AIDS, which focused primarily on the reproductive health of women.

9. The representative stated that prostitution, although not considered a criminal offence, was a growing problem which was primarily attributed to illegal migration. She also expressed concern that organized prostitution continues to be a lucrative source of money for criminal gangs. A number of measures have been adopted by the Czech Republic to fight prostitution, including the creation of a special unit for detecting organized crime.

10. The representative referred to the foundations of the Czech legal system which protect women's rights, focusing on individual citizens, based upon the principle of uniform, general and equal protection of both men and women.

11. In concluding her presentation, the representative of the Czech Republic indicated that she looked forward to the Committee's questions so that she could provide a complete and objective picture of women in the Czech Republic.

Positive aspects

12. The Committee complimented the Government of the Czech Republic for exhibiting a clear commitment to the promotion of the human rights of its citizens since the independence of the country.

13. The Committee was pleased to note the positive spirit in which its comments and suggestions had been received by the delegation of the Czech Republic.

14. The additional and updated information presented in the oral report of the representative of the Czech Republic was welcomed by the Committee as aiding its understanding of the conditions of women and the extent of the implementation of the Convention in the Czech Republic.

15. The Committee was particularly satisfied at the information included in the oral report of the delegation about the very recent establishment of what can be considered the beginning of a national machinery, within the Ministry of Labour and Social Affairs. Similarly, the reported effort to draft a National Plan by a Commission on the status of women was especially welcomed by the Committee.

16. The Committee noted that there had been significant gains in the status of women in the Czech Republic during the previous regime in particular with regard to education, women's participation in public and economic life and the terms of constitutional and legal guarantees of gender equality and institutionalization of social support of child care. Although implementation of these principles had often resulted in unfair double burdening of women and infringement of their human rights, they had constituted important achievements in combating stereotypical role conceptions.

17. The Committee was also happy to note the high standards of health coverage in general, and in regard to maternal health in particular, that existed throughout the Czech Republic. In this context, it was especially gratified to note the exceptionally low infant and perinatal mortality rates attained by the Czech Republic.

Factors and difficulties affecting the implementation of the Convention

18. The Committee had observed that the report of the Czech Republic, and its oral introduction to the Committee, reflect an overarching tendency on the part of the Government to conceive of women as mothers and within the context of the family, rather than as individuals in their own right and independent actors in the public sphere. The Committee felt that such perception presents a major obstacle to the implementation of the Convention because it reflects a fundamental misunderstanding of such critical concepts as gender roles, indirect discrimination and de facto inequality.

19. The Committee was distressed to note that, while the Government was eager to improve the life conditions of women in the Czech Republic, there did not exist a full appreciation of the structural and cultural causes of gender inequality. Having emerged from the restrictions of a totalitarian State, where full employment of women and institutional caretaking of children had been emphasized, the Czech Republic's current policies directed at women and family

had a tendency to swing in the other direction and overemphasize motherhood and family roles for women. In the Czech Republic, the lack of any special measures to elevate women's status, save those pertaining to the protection of pregnancy and motherhood, was thus observed to be a major constraint to the full implementation of the Convention.

20. The Committee also viewed the absence of a national machinery with adequate resources in the Czech Republic to be a severe constraint on the implementation of the Convention and the Beijing Platform for Action.

Principal subjects of concern

21. The Committee noted with concern that, despite numerous equality provisions in the Constitution, in the Charter of Fundamental Rights and Freedom, as well as in several other codes, Czech law does not provide a clear definition of discrimination and/or address de facto inequalities between women and men.

22. The Committee was very concerned about women's inadequate and declining representation in decision-making positions in the public sphere and at the Government's apparent lack of attention to this phenomenon. This was reflected in the absence of any special temporary measures to remedy the situation, as well as the lack of willingness to consider any such measures.

23. The decline in the number of women's non-governmental organizations since the early days of the Czech Republic's establishment was also observed with concern by the Committee. The Committee considered the existence of an active civil society, in which a wide range of views and attitudes on gender equality find expression, to be highly beneficial for the promotion of equality between women and men. It also encouraged Government cooperation with non-governmental organizations representing different women's interests and perspectives in the implementation and monitoring of the provisions of the Convention.

24. The Committee noted with particular concern the absence of special legislation on violence against women and was alarmed by the Government's perception that there was no need for such legislation. The Committee considered a critical deficiency the absence of data on the extent and prevalence of such violence in the Czech Republic, and the lack of information on any preventive measures and/or programmes to support victims of violence, raise public awareness of the issue and sensitize health professionals and law-enforcement personnel on the topic.

25. The lack of measures and programmes to promote a positive, all-round image of women and to encourage equal sharing of family responsibilities by men in the media was also noted with concern.

26. The Committee noted with concern that, in the Czech Republic, prostitution and trafficking in women are approached exclusively in the context of combating organized crime. These crimes are closely related to economic transition and socio-political changes. The Committee acknowledged the adverse effects of such developments as rising unemployment, increasing poverty and easing-out of women from public life and power positions, as factors contributing to prostitution and trafficking in women.

27. The Committee viewed the Czech Republic's policy of creating "household management" schools which, although not formally sex segregated, basically cater to female students and train them for traditional stereotypical roles, as promoting gender stereotyping. The same applies with regard to the practice of some schools admitting only boys because of their "different physical abilities". In stressing the importance of encouraging girls and boys to choose non-traditional fields of study in order to eliminate discrimination against women, the Committee was highly concerned about such schools. Furthermore, the Government's "self-congratulatory" attitude for establishing such schools was viewed by the Committee as yet another reflection of the misconception that seemed to underlie the Czech Republic's perception of gender equality and the spirit of the Convention.

28. The existing gender gap in wages between women and men was particularly significant in the face of governmental policies promoting women's family roles in the Czech Republic. As citizens in a country undergoing radical economic transition to a market economy, women in the Czech Republic were particularly vulnerable to the marginalizing forces of economic rationalization and privatization. This could only be expected to increase with over-protective measures for pregnancy and maternity and cultural glorification of women's family roles. The Committee was thus deeply concerned about the future effects of existing labour and social security legislation that appeared to channel women to traditional roles, inter alia, through exaggerated maternity protection and early retirement policies for women.

29. The Committee was very disturbed to hear about the high rate of induced abortions in the Czech Republic, particularly in the face of the wide availability of contraceptives. It was further dissatisfied to learn about the lack of information and training of health professionals with regard to contraceptives. Owing to the partial nature of the information provided in the oral report, the Committee was not entirely satisfied with the information provided on women's general health in the Czech Republic.

30. The Committee was especially disappointed not to have received answers to its questions on articles 7, 8 and 16 of the Convention in the Czech Republic's oral responses. In particular, in the face of the very high divorce rate that prevails in the country, its causes, as well as the legal status of protection, if any, accorded to women in de facto unions were of special concern to the Committee.

Recommendations

31. The Committee recommends that the Government of the Czech Republic give impetus to the establishment of an adequately resourced national machinery with a clear mandate to implement, coordinate and monitor the provisions of the Convention. It further recommends that, as a future member of the European Union, the Czech Republic draw upon the experiences of the European Union countries and make efforts to get assistance from such countries as it designs machinery and reviews its legislation and policies in the area of discrimination against women.

32. The Committee urges the Government of the Czech Republic to review its perspective on special temporary measures in the area of women's political and economic participation in leadership positions. In this context, it recommends instituting numerical goals and targets, as well as use of quotas to boost women's timely participation in these positions.

33. The enactment of a special law for violence against women is also suggested together with promotion of education and media programmes sensitizing the public on this issue. In this context, it is also recommended that the Czech Republic engage in comprehensive research to assess the extent and nature of violence against women in the country.

34. The Committee recommends a comprehensive study and analysis of how the economic and socio-political transition of the country has affected women which should be carried out from an anti-discrimination perspective. It recommends that policies and measures with respect to such areas as participation in public life and leadership roles, violence against women, prostitution and trafficking in women, education and family law be formulated on the basis of how transition is related to changes in women's position and roles in these areas.

35. With respect to prostitution and trafficking of women, the Committee strongly recommends that effective policies to combat these crimes be formulated and implemented. The Committee suggests that measures to combat these crimes require not only services to victims and sanctions to the perpetrators, but the design and implementation of comprehensive national social and economic policies to create new opportunities for women. It therefore recommends that the Government take effective action to combat feminization of poverty and to improve the economic situation of women in order to prevent trafficking and prostitution.

36. The Committee urges the Government of the Czech Republic to launch specific training programmes to educate health professionals, and mass campaigns to inform the public on the use of contraceptives and misuse of induced abortions as a means of family planning.

37. The Committee strongly underlines the need for the Czech Republic to promote the image of women as individuals and independent actors in the public sphere, and recommends that the Government launch comprehensive, systematic, goal-oriented efforts to balance the existing positive emphasis placed on women's private sphere roles in laws, policy measures and governmental attitudes with an equal emphasis on their public sphere functions. In this regard, the Committee also recommends that the Government encourage men though public media campaigns, school curricula and special temporary measures, such as effective use of paternity leave, to share family responsibilities equally with women.

38. The Committee requests the Government of the Czech Republic to disseminate widely, throughout the Czech Republic, the Convention and the various recommendations of the Committee, as well as the present comments, so that individuals become aware of the measures that have been taken to implement the Convention and of the remaining steps that are required to achieve de facto equality for women.